

# NEWS RELEASE

## FOR IMMEDIATE RELEASE

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## MAN SENTENCED IN DEATH OF FALL VICTIM

**TAZEWELL, VIRGINIA-** Kelly Cox, owner of Cox Steel, was sentenced to five years in the state penitentiary but had all five years suspended. Cox was convicted of involuntary manslaughter for the 1999 death of 20-year-old employee Jessie Hampton.

Cox will serve two years probation and is required to pay court costs. Should he violate his probation, Cox will serve the original sentence.

"While the sentence was not what we had anticipated, it is important to indicate that negligent safety procedures are not tolerated by the Department of Labor and Industry nor the Commonwealth. Employees are expected to be provided a safe and healthy workplace and not be placed in danger by their employer. If nothing else, this case serves as a stark reminder to all other employers that safety should be of the utmost importance," said C. Ray Davenport, Department of Labor & Industry Commissioner.

On Thursday, December 16, 1999, Jessie Hampton fell approximately 22 feet to his death while working on the roof of a Wal-Mart Super Center under construction in Claypool Hill, Tazewell County. Hampton was a local worker hired by Cox to erect steel on the site. On that day, Cox asked the men on the roof, including Hampton, to bring him about 25 sheets of decking, which they did. While momentarily standing on a sheet of decking in front of an uncovered skylight opening, Cox pulled the sheet of decking out from under Hampton causing him to lose his balance. Hampton fell head first through the opening, striking his head on the concrete floor below.

Cox did not enforce the Virginia Occupational Safety and Health (VOSH) Standard requirement that requires employees to use fall protection equipment when working at heights greater than ten feet. In addition, the skylight openings on the roof were not covered as required by VOSH regulations. Cox was aware of both requirements prior to December 16.

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In addition to the results of the criminal case, VOSH issued several citations, including a willful violation, with penalties totaling \$100,000 to Cox.

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